

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 859 final

Brussels, 15 December 1980

Proposal for a COUNCIL DIRECTIVE

amending Directive 78/631/EEC on the approximation of the laws of the Member States relating to the classification, packaging and labelling of dangerous preparations (pesticides)

(submitted to the Council by the Commission)

COM(80) 859 final

EXPLANATORY MEMORANDUM

It is laid down in Council Directive 78/631/EEC on the approximation of the laws of the Member States relating to the classification, packaging and labelling of dangerous preparations (pesticides)¹ that the Member States shall adopt the measures necessary for them to comply with this Directive and shall bring them into force not later than 1 January 1981.

Article 11(1) of the Directive provides that the list of active substances forming Annex III and the up-to-date list in Annex II shall be drawn up in accordance with the committee procedure.

The Commission commenced this work on the lists immediately after the adoption of the Directive.

In the course of the work it emerged that, as a result of rapid advances in chemistry, the number of substances to be included in the list was much greater and the study of the various dangerous characteristics of these substances would take longer than had originally been assumed. Although the work is progressing smoothly, it cannot be completed before 1 January 1981.

As long as the Directive is neither complete nor up-to-date, Member States cannot be required to bring into force their measures for compliance therewith. The time limite of 1 January 1981 must therefore be extended.

¹ OJ No L 206, 29.7.1978, p. 13

PROPOSAL FOR
A COUNCIL DIRECTIVE

amending Directive 78/631/EEC on the
approximation of the laws of the Member States
relating to the classification, packaging and
labelling of dangerous preparations (pesticides)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Whereas it is laid down in Article 12 of Council Directive 78/631/EEC¹
that the Member States shall bring into force on 1 January 1981 the laws,
regulations and administrative provisions necessary to comply with this
Directive;

Whereas Article 11(1) of Directive 78/631/EEC provides that the list of
active substances with indications of their conventional LD₅₀ and LC₅₀
values (Annex III) and the revised list of substances in Annex II thereto
shall be drawn up in accordance with the 'committee procedure' referred
to in Article 21 of Council Directive 67/548/EEC of 27 June 1967 on the
approximation of laws, regulations and administrative provisions relating
to the classification, packaging and labelling of dangerous substances²,
as last amended by Directive 79/831/EEC³;

Whereas when Annex II was being revised and Annex III drawn up, it was
ascertained that the number of chemical substances to be considered was
considerably greater and the study of the various dangerous characteristics of
these substances would take longer than had originally been assumed; whereas,
although the work is progressing smoothly, it cannot be completed before
1 January 1981;

¹ OJ No L 206, 29.7.1978, p. 13

² OJ No 196/1, 16.8.1967.

³ OJ No L 259, 15.10.1979, p. 10

Whereas, as long as there is no Annex III to Directive 78/631/EEC, the Member States are unable to adopt the measures required to bring into force the entirety of the Directive; whereas, similarly, as long as the list of active substances contained in Annex II has not been brought up to date, it is not appropriate to require the Member States to adopt the necessary measures to comply with the Directive;

Whereas, therefore, the date on which Member States are required to bring into force the necessary laws, regulations and administrative provisions to comply with Directive 78/631/EEC must be changed to a date later than that on which the Annexes will have been brought up to date and adopted as a Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 12(1) of Directive 78/631/EEC is hereby replaced by the following:

'Member States shall bring into force the necessary laws, regulations and administrative provisions to comply with this Directive on the date to be prescribed for the entry into force of the measures to be adopted in accordance with Article 11(1). They shall forthwith inform the Commission thereof'.

Article 2

This Directive is addressed to the Member States.

